SE of Turkey Point Road

ZONING COMMISSIONER 1959 Sue Creek Drive \* OF BALTIMORE COUNTY 15th Election District 5th Councilmanic District

David S. Sharpless, III, et ux\* Case No. 92-138-A Petitioners \* \* \* \* \* \* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 5 ft., in lieu of the required 10 ft., and to amend the Final Development Plan of Sue Creek Landing, Plat 2 Lot 40, all as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners, David S. Sharpless III and Deborah E. Sharpless, his wife, appeared and testified. Appearing and testifying in opposition was J. Barry Karwacki and Stacy Karwacki, who reside immediately next door to the Petitioners and the subject property.

The Petitioners testified that they are the owners/residents of that property known as 1959 Sue Creek Drive. The property is improved with a 1-1/2 story framed dwelling. The Petitioners' lot is .131 acres +/- and is zoned D.R.5.5. The Petitioners further testified that they desire to add a shed to the property to allow for the storage of their lawn mower, garden equipment and other lawn and garden tools. They have no storage area available to them for these items other than their dwelling and they do not wish to store these dangerous materials within the dwelling because of their small child. They further testified that the restrictive covenants of their community association prohibit any free standing structure.

Thus, any shed must be attached to the house. The testimony was that the proposed location was the only place in which the shed can be constructed. That is, the other side of the house and the rear of the structure are not compatible to the proposed construction.

Appearing in opposition, as indicated above, were Mr. and Mrs. Karwacki, the immediate next door neighbors. They testified that they oppose the construction of the shed for several reasons. Specifically, they are concerned that same will not be compatible to the existing architecture and, therefore, the shed would detrimentally affect property values and the architectural ambiance of the area. Also, they note that there is a natural swale between the properties which allows water runoff from the dwellings. Construction, as proposed, would interfere with this swale and could cause increased water runoff and flooding. Further, they note the already narrow distance between the dwellings and argue that same should not be narrowed further.

The case is a difficult one for decision. I am sympathetic to the Petitioners' request and their reasons which they have set forth in support of the Petition. On the other hand, the concerns of the Protestants are legitimate.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxa-

tion than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

In reviewing the evidence, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance was denied. The testimony presented by the Petitioners were in support of a matter of a preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 36 day of 426, 1991 that a variance from Section 1802.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 5 ft. in lieu of the required 10 ft., and to amend the Final Development Plan of Sue Creek Landing, Plat 2 Lot 40, be and is hereby DENIED.

> Zoning Commissioner for Baltimore County

LES/mmn

CEIVED ...

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Contract Purchaser:

HEROS (1801-104 1 To permit a side yard set 5 feet in lieu of the required 12 feet set Dack, and to amend the Final Development Plan of Sue Creek Landing, Plat 2, Lot 40 for

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: Hardship/ Practical difficulty (indicate hardship or practical difficulty) 1. Vinder the Homeowner's Commant #2 Rasson for need of storage unt states that no structure shall be por united on structure to duelling. 1. mored due to lack of space

2. do not want to store lawn mover in house 2. De to drainage & utility assemblys 3. Small child lives in house, do not want Number liquids, souther, point or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s): Mayid S. Sharpless III Type of Maj May Deborati & Shaiple's S Type or Frint Name)

1959 Sue Creek Diwe 574-0243

Name, eddress and phone number of legal owner, contract purchaser or representative to be contacted.

petition be posted on the property on or before the  $13^{th}$  day of pct, 19 4/

ZONING CONTISSIONER OF BALTIPORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_\_ day of \_\_\_\_\_\_, 19\_\_\_\_, that the subject be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughin Room 108, County Office Building in Towson, Baltimore County.

**AFFIDAVIT** IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

Bultimore Maryland zissi

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty) I good the follow chapter

Lease for stonge out . & de not cont to store lawn year a in view so to have the ore of North togeth is they are in the wife in Hadray Proctical Dellicity of the reservoited on let extent a sixe signed by the reservoited on let extent a sixe signed by the rest of the standard of the sixe o 2. De to interpret white of property what in the side

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

AFFIANT (Handwritten Signature) Deborale Strapes AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_, 19\_\_\_\_\_, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared exerce haples the relate &

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

My Commission Expires: / / / //

Soring Description OFFITCH MENTS

1959 Sue Creek Drive 92-138-A Baltimore, Mayland 21221

Beginning at a point on the west side of Se Creek Dive which is 50 feet wide at the distance of 956 feet south of the centerline of the neavest improved intersecting street named Turkey Point Road which is 50 feet wide. Being Lot # 40, Block - Section - in the subdivision of Sue Creek Landing as recorded in Baltimore County Plat Book # E.H.K. Jr. No 48, Folio#7 containing 5700 sq feet or .131 acreage. Also known as 1959 Sue Creek Drive and located in the 15th election district.

At Appear and the second of th Action Constitution Contract Hymner and Zenning -

114 West Chaspie des Avenue Towson, MD 21200

881 3353

December 23, 1991

Mr. and Mrs. David S. Sharpless III 1959 Sue Creek Drive Baltimore, Maryland 21221

RE: Petition for Zening Variance Case No. 92-138-A

Dear Mr. and Mrs. Sharpless:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zening Variance has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filling an appeal, please feel free to contact our Arpeals Clerk at 887-3391.

> Very truly yours, Lawrence E. Schmidt

Zoning Commissioner

LES: man cc: Mr. and Mrs. J. Parry Karwacki

	Yoursen, Maryland	
District 15th	<del></del>	Date of Posting 11/3/41
Posted for:		
Petitioner: 1946	id & Strong long Tilly	e tup
Location of property:	Suls Suc Croux Oxision	956' SE/ untry P. C.
1959 544	Crock Drive	
Location of Signs:	scing sus front Dustage	yora 30 /2 voder
en property	$F \rightarrow F$	
Remarks:		
Posted by	lea les Data	of return: 11/15/4/
<b>3</b>		

CERTIFICATE OF PUBLICATION

Case Number: 92-138-A SW/s Sue Creek Drive, 956' SE of Turkey Point Road 1959 Sue Creek Drive 15th Election District 5th Councilmanic Publioner(s): David S. Sharpless, III et Variance: to permit a side yeard of 5 feet in lieu of the required 12 feet estback and to amend the Final Development Plan of Sur Creek Landing, Plat 2, Lot 40 for nature.

MOVICE OF HEADON

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive weeks, the first publication appearing on <u>Mw. 7</u>, 19 <u>M</u>

Oslid 5. Shorplas, II etal Location of property: Sw/s Sur Greet Dridg 950' seffe Kep Pt. Ddg.
1957 Sur Grock Dride Location of Signer Faring Sur Greek Ovid, opens, 30 For vacaday

receipt **Baltimore County** Zoning Commisioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 Account: R-001-6150 Date 9-27-91 Residential Variance - Administrative 1959 Sue Creek DR, David & Deborah Shorpless Filing fee = 35.00 sign - 25.00 Total \$ 60.00 04A04#2077#10HRC BA COLL: 024M09-27-91
Please Make Checks Payable To: Baltimore County

Baltimore County
Zoning Commission

Zoning Commissioner
County Office Building

111 West Chesapeake Avenue

Baltimore County
Zoning Commission
County Office Building Zoning Commisioner County Office Building 111 West Chesapeake Avenue

2 Table Bullimore County

tqieee1

Account: R-001 6150

Co. 42-127 A A Committee of the second Please Make Checks Payab's To: Battimore County

CERTIFICATE OF PUBLICATION THE AVENUE NEWS

November 7, 191

THIS IS TO CERTIFY, that the annexed advertisement of Sharpless in the matter of Zoning Hearing of 1959 Sue Creek Dr. Case # 92-138-A, P.O. #0116190 Req #M54848. 56 lines @.60 or \$33.60

was inserted in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for 1 successive week(s) before the 8 day of November 1991; that is to say, the

same was inserted in the issues of November 7 1991. The Avenue Inc.

NOTICE OF HEARING The Zoning Commissioner of Battimore County, by authority of the Zoning Act and Regulations of Baitimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland Case Number: 92-138-A SW/S Sue Creek Drive, 956' SE Turkey Point Road 1959 Sue Creek Drive 15th Election District - 5th Councilmenic ioner(s): Devid S. Sharples III, et ux HEARING: TUESDAY, NOVEMBEI 26, 1991 at 11:00 A.M. Variance to permit a side yard of 5 feet in lieu of the required 12 feet setback and to amend the Final Development Plan of Sue Creek Landing, Plat 2, Lot 40 for same. Lawrence E. Schmidt Zoning Commissioner of Baltimore County

> Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

October 21, 1991

Mr. & Mrs. David S. Sharpless, III 1959 Sue Creek Drive Baltimore, MD 21221

> RE: Item No. 152, Case No. 92-138-A Petitioner: David S. Sharpless, et ux Petition for Residential Variance

887-3353

Dear Mr. & Mrs. Sharpless:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Zoning Plans Advisory Committee

Enclosures

111 West Chesapeake Avenue Towson, MD 2120+

111 West Chesapeake Avenue

David and Debra Sharpless, III

SW/S Sue Creek Drive, 956' SE of Turkey Point Road

HEARING: TUESDAY, NOVEMBER 26, 1991 at 11:00 a.m.

your Order, immediate attention to this matter is suggested.

15th Election District - 5th Councilmanic Petitioner(s): David S. Sharpless, III, et ux

Baltimore, Maryland 21221

1959 Sue Creek Drive

Case Number: 92-138-A

1959 Sue Creek Drive

Dear Petitioner(s):

Janua Estina

BALTIMORE COUNTY, MARYLAND

ZONING COMMISSIONER

Lawrence E. Schmidt

Towson, MD 21204

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

Baltimore County Government

Office of Zoning Administration

and Development Management

Office of Planning & Zoning

Please be advised that \$\_\_\_\_\_\_ is due for advertising and posting of the above captioned

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made

payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or

887 3333

Your petition has been received and accepted for filing this

27th day of September, 1991.

Zoning Plans Advisory Committee

Petitioner: David S. Sharpless, et ux

Petitioner's Attorney:

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning 111 West Chesapeake Avenue 887 3353 Towson, MD 2120 i OCTOBER 28, 1991 NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows: Case Number: 92-138-A SW/S Sue Creek Drive, 956' SE of Turkey Point Road 1959 Sue Creek Drive 15th Election District - 5th Councilmanic Petitioner(s): David S. Sharpless, III, et ux HEARING: TUESDAY, NOVEMBER 26, 1991 at 11:00 a.m. Variance to permit a side yard of 5 feet in lieu of the required 12 feet setback and to amend the Final Development Plan of Sue Creek Landing, Plat 2, Lot 40 for same. Zoning Commissioner of Mr. & Mrs. Karwacki

Zoning Commisioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204 CRITICAL AREA Account: R-001-6150 Account: R-001-6150 Company of the PHENE PLANTAME FEED The CONTING CONTINUES COME. Please Make Checks Payable To: Baltimore County AGE - FOR TIME STONE ADVERTIGING 1 Y \$25.00 Please Make Checks Payable To: Baltimore Court, LAST HAPE OF OWNERS SHARPLESS

Cashier Validation

gelessing.

Zoning Plans Advisory Committe Coments Page 2

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: October 11, 1991 Arnold Jablon, Director Zoning Administration and Development Management

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Shaplass Property, Item No. 152

In reference to the Petitioner's request, staff offers the following comments:

Should the petitioner's request be granted, this office recommends that the materials used to construct the addition be compatible with the existing architectural design of the homes in the immediate vicinity.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/pat

NCSHELL/TXTROZ

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: October 23, 1991

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: October 8, 1991

This office has no comments for item numbers 144, 145, 147, 149, 150, 151, 152, 157 and 158.

RJF/lvd

Memo to Mr. Arnold Jablon November 12, 1991 Page 2

## REGULATIONS AND FINDINGS

Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec.

Finding: This property is located approximately 500 feet from the tidal waters of Sue Creek. No disturbance of the shoreline buffer shall occur.

Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination" <Baltimore County Code Sec. 22-98>

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment." <Baltimore County Code Sec. 22-216>

Finding: In order to comply with the above regulation rooftop runoff shall be directed through downspouts and into Dutch drains or seepage pits (see attached information). This will encourage maximum infiltration of stormwater and will bring this property into compliance with the 10% rule. Infiltration of stormwater is a recommended Best Management Practice in a "Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area".

## CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

JJD:NS:ju Attachment

SHARPLES/TXTNSS

WHAT YOU CAN DO here are many ways you can improve drainage in your yard. Most of these suggestions are in-expensive, practical, and easy to implement. You can reduce surface runoff if your Install gravel trenches along driveways or patios to: collect water and allow it to filter into the soil (trenches should be at least 12 inches wide and 3 Resod bare patches in your lawn as soon as possi-he installation of var-■ Grade all areas away from your house at a slope of ious infiltration devices can enhance infiltration Use a grass swale (a low area in the lawn) to move

If the lawn to move even on sites with wellwater from one area to another Plant shrubs and trees to promote infiltration (see remember that surface runoff cannot infiltrate soils that are at chapter on landscaping) or past their saturation point "Low ridges or "berms," may be used to direct water intoand through swales Basins built to gather and hold runoff (by virtue of depth to water table or bedrock), contain a high percentage of clay, or rest heavy runoff, but their main purpose is to keep runoff away on a clay hardpan. Under these from the site and help the water filter into the underlying soil: Other basins are designed to slow the rate of runoff conditions, surface runoff canand increase the time between rainfall and discharge of not infiltrate the soil even with surface runoff into a stream. These basins usually contain a an infiltration device. temporary pool of water that dissipates as the runoff is re-Using berms and swales. leased gradually through an outlet device. you can speed site infiltration by channeling surface runoff into a gravel-filled seepage pit. a Dutch drain (see illustration). or a gravel-lined detention basin. You can also spread runoff over the land surface by using a series of terraces or runoff spreaders, which promotes greater infiltration by slowly spreading runoff in a fanshaped pattern across a vegetated land surface. Seepage pits, gravel-lined recharge basins, and terraces lose their effectiveness as infiltration devices when the land surface is clogged with clay, silt, or fine sand particles. Infiltration devices for large parcels of land are often constructed along with sediment traps, basins, or grassed sediment filters. These traps and filters remove fine (D) COLON particles from runoff before they reach the infiltration device. Sediment traps are less critical for most residential lots: most homeowners can use a system of swales or basins leading to the infiltration device as a sediment filter.

Baltimore County Government Fire Department

OCTORET 18, 1991

- #1999 SUD CREED DRIVE

Turrough to your request, the referenced projectly las been surveyed by

this Turesu and the contents below are applicable and required to be occupated as incorporated into the final plans for the property.

Titem Political Teaching Toring Edgender CCTCIFE 8, 1993

7. The Fire Prevention Pureau bas to comments at this tire.

(301) 887-4500

700 East Joppa Road, Suite 901

Towson, MD 2120+5500

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Falt hore Courty Office Fallding -Towner, II 31200

PER December Owners - TAMES, SPILLIESS, III

Development Caracerent

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Centileter:

-1/FFF

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BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: October 16, 1991 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for October 3, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 142, 144, 149, 150, 151, 152, 153, 157, and 158.

For Item 145, a minor subdivision is processing now. Our comments will be addressed through that process.

For Item 146, see the County Review Group comments dated August 12, 1991 for this site.

For Item 149, we have no comment on the garage height variance. However, regarding the awimming pool, the road grade or horizontal alignment must be revised so that no retaining wall is needed or that the wall is far enough away from the right-of-way such that failure would not impact the right-of way.

> ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

RWB:s

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue

Towson, MD 21204

887 3353

October 25, 1991

David and Debra Sharpless, III 1959 Sue Creek Drive Baltimore, MD 21221

Re: CASE NUMBER: 92-138-A

Dear Petitioners:

A formal REQUEST FOR PUBLIC HEARING has been filed in your case.

As you recall, this matter must now go through the regular hearing process; the property must be reposted and notice of the hearing will be placed in two local newspapers. You will be billed for these advertising costs.

Formal notification of the hearing date will be forwarded to you

Very truly yours,

2825.92 92-13 A 10/28 Denied

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

DATE: November 12, 1991

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

FROM: J. James Dieter, Director SUBJECT: Petition for Zoning Variance - Item 152 Sharpless Property Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 1959 Sue Creek Drive. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. David Sharpless

## APPLICANT PROPOSAL

The applicant has requested a variance from section 1B02.3.B of the Baltimore County Zoning Regulations to permit "a side yard setback of five feet in lieu of the required 12 foot setback".

## GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

"Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;

Conserve fish, wildlife and plant habitat; and

3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

wet area with the kinds of trees and shrubs that thrive in wet soils. There are some instances where a system of swales will not solve your drainage problem, and you will have to consider installing a subsurface drainage system. Installing Infiltration Devices drained soils. It is important to

Outch drains carry water from rain-

filters into the ground.

spouts into the soil, where it grodually

Zoning Commissioner

Baltimore County, Maryland

October 3, 1991

111 West Chesapeake Avenue Lowson, MD 2120+

COPY

887 3353

Pavid and Debra Sharpless, III 1959 Sue Creek Drive Faitimore, Maryland 21221

Re: CASE NUMBER: 92-138-A LOCATION: SM/S Sue Creek Drive, 956' SE of Turkey Point Road 1959 Sue Creek Drive 15th Election District - 5th Councilmanic

#### Dear Petitioner(s):

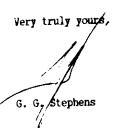
Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before October 13, 1991. The closing date is October 28, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

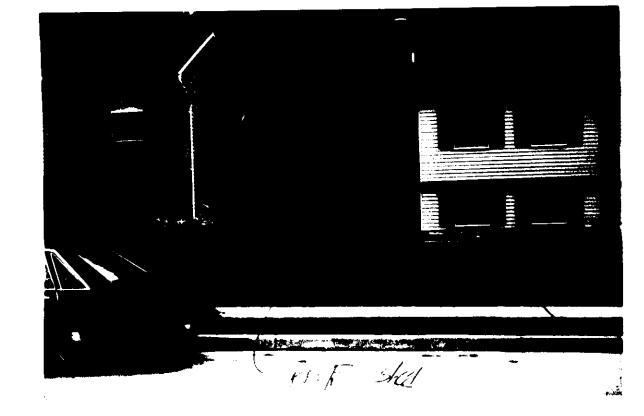
3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

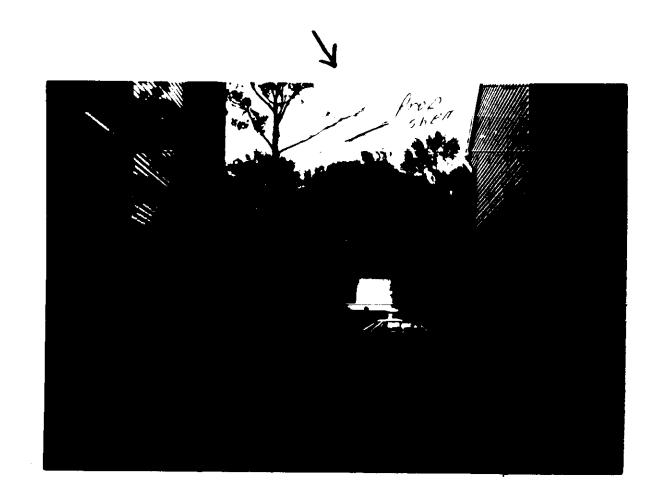


92-138-A

# PETITIONER'S EXHIBIT#



Proposed shed = in back of chimney



2071.92 /// 1 5/4/ Mr. & M John B. Karwacki 1961 Sue Creek Dr.

Baltimore, MD 21221 (301) 574-3447

October 21, 1991

Baltimage County Zoning Commissioner Office of Planning and Zoning 111 West Chesapeake Ave. Room 113

Towson, MD 21204 Attn: Zoning Commissioner

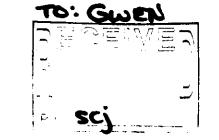
RE: Case #92-138A 1959 Sue Creek Drive

The above case requests a variance allowing the construction of a structure within 5 feet of the property line in lieu of the allowed 12 feet. This letter is submitted for the purpose of requesting denial of this variance. As neighbors to the lot in question and directly effected, we are requesting that this variance not be approved based upon the following:

- 1. There is a natural swale between the properties which allows water run-off from the front of the properties to the rear. Approval of this variance and construction of the structure in question would cause a diversion of this water and probable containment resulting in possible damage to our property;
- 2. Due to the narrowness of the adjoining lots and houses, this new structure would not be in keeping with the harmony and overall appearance of the development by creating an abnormal housing profile. After consultation with persons in the real estate industry, we have concluded that approval of this variance would jepordize our property value by further narrowing the existing open space between the adjacent homes (single family homes should look like single family homes and not evolve into duplexes);
- 3. There is no practical difficulty involved in this case. This particular structure in question in case #92-138A can be constructed on the rear of the existing home in full compliance with the Baltimore County Zoning Regulations.

In conclusion, based upon the items stated above, we feel that granting approval in Case #92-138A is not in keeping the the harmony and intent of the Baltimore County Zoning Regulations and request that such variance be denied.

Please consider this a request for a hearing if the facts provided herein do not effect denial of variance Case #92-138A.



92-138-A

# PETITIONER'S EXHIBIT#



Someone <u>else's</u> property but this is what shed/addition would look like

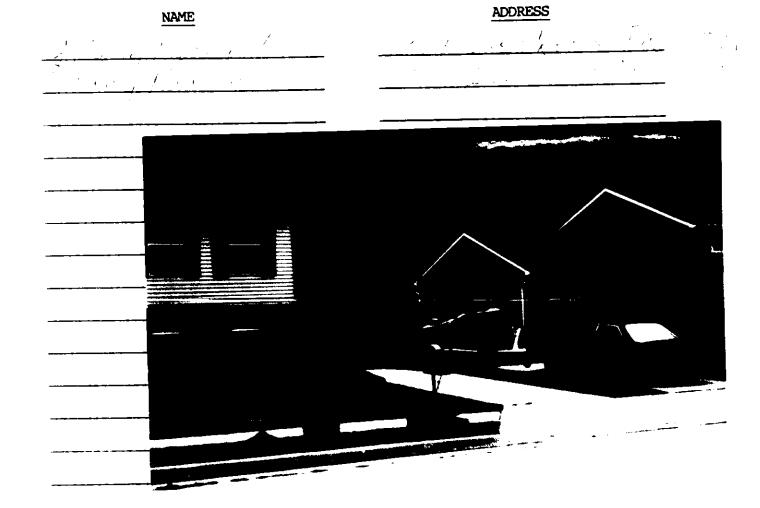


PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

1959 SEE CREEK DR PANT 21221 DAVID + DEPORTH SHAPPIBS

PROTESTANT(S) SIGN-IN SHEET



at to accompany Petition for Zoning Variance

OPERTY ADDRESS: 1959 Sue Creck Drive.

division name: Sue Creek Landing

at book# 48, toilo# 7, lot# 40, section#

'NER: David & Deborah ShaploesTIL

-544 20 00 E 60.00 = 1 10 FT DRAIN.

J' UTILITY

FASE MENT? FRAME

DETBACK

والمرابع والأوالي والمرابع والمناد والمناطقين والمرابع والمناطقين والمناطقين والمناطقين والمناطقين والمناطقين والمناطقين

/2R -1-61 127455₫ ★☆★☆☆7.03

#23 =1-61 127455BH \*\*\*\*\*7.00

LIBER 5 2 7 2 FASE 3 5 7

THIS DECLARATION made this 30 day of Abaca 1981, by COLONIAL DEVELOPMENT CORPORATION, for the purpose of

imposing the following Restrictive Covenants upon the recorded

(15th) Election District of Baltimore County, Maryland. It is

the intention of the Declarant, which is the Owner and Developer of the said subdivision on the date of this Declaration, that these covenants shall run with the land, apply to each and every

lot forming a part of each section of said subdivision, and bind

the purchasers thereof, their personal representatives, successors and assigns, and to this end Declarant has caused this Declaration

to be made and duly recorded among the Land Records of Baltimore

allowed on any lot, nor shall any noxious or offensive activity

be carried on upon any lot, nor shall any use thereof De made,

done or permitted, which shall or may be noxicus or dangerous

shacks, garages, barns or other outbuildings shall be placed

or erected on any lot at any time, either temporarily or perma-

nently; provided, however, that one single-car detached garage

on that lot. Any other, non-residential structures on any lot

be raised, bred or kept on any lot, except that domestic dogs,

cats or other household pets, not in excess of one (1) dog and one (1) other household pet, may be kept, provided that they

are not kept, bred or maintained for any commercial purpose.

view on any lot except one (1) professional sign of not more

(5) square feet in area advertising the property for sale or rent, or signs used by a builder to advertise the property during

than (1) square foot in area, one (1) sign of not more than five

to any adjacent lot, street or other property then the building lines established on the development plat, except as modified herein. For the purpose of this covenant, eaves, steps and open porches shall not be considered as a part of the building. An encroachment into the aforesaid set-back areas of not more than twelve (12) inches shall not constitute a violation of these

operated passenger automobiles, shall be parked or stored on

is specifically prohibited. One boat, either hand-portable or trailer-mounted, may be stored on each lot in the subdivision; provided, however, that the Developer shall have the right to designate the area within any lot where such boat may be located

5. No building shall be located on any lot nearer

6. No motor vehicles, other than private, regularly

any lot, or upon the streets of the subdivision; parking or storage of campers, recreational or commercial vehicles of any sort,

it in style and exterior construction.

the construction and sales period.

restrictions.

per lot may be erected, with the prior approval of the Developer,

shall only be permitted if attached to the dwelling and matching

in a style and exterior construction matching the dwelling erected

to the health or safety of the surrounding or adjoining property

or the Owners thereof, or which may be or may become an annoyance

1. No nuisance of any kind shall be maintained or

2. No structures of a temporary character, tents,

3. No animals, livestock or poultry of any kind shall

4. No sign of any kind shall be displayed to the public

subdivision known as SUE CREEK LANDING, located in the Fifteenth

to the neighborhood.

ニレルビ -1.1744.20.00 W. Co.00 --756' to & of Turkey Point Rd.

----SUE CREEK DRIVE (.50 FT WIDE)

LOCATION INFORMAT

1'=200' scale map#: 5 = 1 Zoning: DR-55 Lot size •131 5700 square teet

Zoning Office USE ON

CRITICAL AREA

